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**MEMORANDUM**

**TO:** William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

**FROM:** Erin L. Barrett  
Assistant Attorney General

**DATE:** November 2, 2016

**SUBJECT:** *Regulations Governing the Practice of Respiratory Therapists*  
18VAC85-40-10 *et seq.*

I have reviewed the proposed amendments to the Regulations Governing the Practice of Respiratory Therapists, 18VAC85-40-10 *et seq.* The proposed amendments allow two hours of continuing education credit to be satisfied by the delivery of services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or in part for the delivery of such services. The proposed amendment is consistent with changes in the Code of Virginia following the passage of 2016 Va. Acts ch. 82. Additionally, the amendments clarify the completion period for continuing education and allow continuing education credit for post-licensure academic courses completed at accredited colleges or universities. The Board has the statutory authority to amend these regulations under Virginia Code § 54.1-2400(6). The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.